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MT LEGISLATIVE HISTORY

Chapter 454 1971

Bill H 596 S _____ Original bill & hist. ✓ C

H. Committee on Human Services & Aging		S. Committee on Judiciary	
Hearing Date(s) Feb 15	✓ C	Hearing Date(s) Mar 26	✓ C
_____	___ C	Apr 01	✓ C
_____	___ C	_____	___ C
_____	___ C	_____	___ C
Date Out Feb 16	✓ C	April	✓ C

Did this bill originate in an interim committee? ___ Yes ___ No

Committee _____ Report _____

4/11	SIGNED BY PRESIDENT		
4/11	TRANSMITTED TO GOVERNOR		
4/15	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 421	EFFECTIVE DATE: 10/01/91	

HB 595 INTRODUCED BY STRIZICH, ET AL.
REMOVE 50 YEARS OF AGE AS AN ELIGIBILITY REQUIREMENT FOR POLICE RETIREMENT

2/04	INTRODUCED		
2/04	REFERRED TO STATE ADMINISTRATION		
2/04	FIRST READING		
2/04	FISCAL NOTE REQUESTED		
2/08	FISCAL NOTE RECEIVED		
2/13	FISCAL NOTE PRINTED		
2/18	REVISED FISCAL NOTE PRINTED		
2/19	HEARING		
2/21	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/23	2ND READING PASSED	62	36
2/23	TAKEN FROM ENGROSSING AND REREFERRED TO APPROPRIATIONS		
3/12	HEARING		
3/23	TABLED IN COMMITTEE		
3/27	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/28	REVISED FISCAL NOTE REQUESTED		
3/28	2ND READING PASSED	86	29
3/28	ON MOTION RULES SUSPENDED TO PLACE ON 3RD READING THIS DAY		
3/28	3RD READING PASSED	67	32
	TRANSMITTED TO SENATE		
3/28	FIRST READING		
3/28	REFERRED TO STATE ADMINISTRATION		
4/02	REVISED FISCAL NOTE RECEIVED		
4/04	REVISED FISCAL NOTE PRINTED		
4/09	HEARING		
4/09	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/13	2ND READING CONCURRED	35	13
4/15	3RD READING CONCURRED	43	6
	RETURNED TO HOUSE WITH AMENDMENTS		
4/17	2ND READING AMENDMENTS CONCURRED	91	5
4/18	3RD READING AMENDMENTS CONCURRED	81	15
4/20	SIGNED BY SPEAKER		
4/20	SIGNED BY PRESIDENT		
4/20	TRANSMITTED TO GOVERNOR		
4/25	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 631	EFFECTIVE DATE: 7/01/91	

HB 596 INTRODUCED BY O'KEEFE, ET AL.
PROHIBIT HOUSING DISCRIMINATION ON MARITAL STATUS

2/04	INTRODUCED		
2/04	REFERRED TO HUMAN SERVICES & AGING		
2/05	FIRST READING		
2/15	HEARING		
2/16	COMMITTEE REPORT—BILL PASSED		
2/21	PLACED ON CONSENT CALENDAR		
2/23	3RD READING PASSED	85	12
	TRANSMITTED TO SENATE		
2/25	FIRST READING		
2/25	REFERRED TO JUDICIARY		
3/26	HEARING		
4/01	COMMITTEE REPORT—BILL CONCURRED		
4/04	2ND READING CONCURRED	46	3
4/05	3RD READING CONCURRED	44	6

	RETURNED TO HOUSE		
4/11	SIGNED BY SPEAKER		
4/11	SIGNED BY PRESIDENT		
4/11	TRANSMITTED TO GOVERNOR		
4/16	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 454	EFFECTIVE DATE: 10/01/91	

HB 597 INTRODUCED BY GALVIN, ET AL.
REQUIRING MUD FLAPS AND COVERING OPEN LOADS

2/04	INTRODUCED		
2/04	REFERRED TO HIGHWAYS & TRANSPORTATION		
2/05	FIRST READING		
2/21	HEARING		
2/22	COMMITTEE REPORT—BILL PASSED		
2/23	2ND READING PASSED	84	15
2/26	3RD READING PASSED	80	16
	TRANSMITTED TO SENATE		
2/27	FIRST READING		
2/27	REFERRED TO HIGHWAYS & TRANSPORTATION		
4/02	HEARING		
4/03	TABLED IN COMMITTEE		
4/22	TAKEN FROM TABLE		
4/23	COMMITTEE REPORT—BILL CONCURRED		
4/24	2ND READING CONCURRED	49	0
4/25	3RD READING CONCURRED	44	5
	RETURNED TO HOUSE		
4/29	SIGNED BY PRESIDENT		
4/29	SIGNED BY SPEAKER		
4/30	TRANSMITTED TO GOVERNOR		
5/17	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 791	EFFECTIVE DATE: 10/01/91	

HB 598 INTRODUCED BY CLARK, ET AL.
PROTECT ALBINO WILD BIRDS, MAMMALS, & FISH;
PROVIDE DEFINITION & EXCEPTIONS

2/04	INTRODUCED		
2/04	REFERRED TO FISH & GAME		
2/05	FIRST READING		
2/12	HEARING		
2/12	TABLED IN COMMITTEE		

HB 599 INTRODUCED BY MERCER, ET AL.
REDEFINING THE CALCULATION FOR PENSION
BENEFITS FOR VOLUNTEER FIREFIGHTERS

2/04	INTRODUCED		
2/04	REFERRED TO STATE ADMINISTRATION		
2/05	FIRST READING		
2/05	FISCAL NOTE REQUESTED		
2/11	HEARING		
2/11	COMMITTEE REPORT—BILL PASSED		
2/11	FISCAL NOTE RECEIVED		
2/13	FISCAL NOTE PRINTED		
2/13	2ND READING PASSED	100	0
2/15	3RD READING PASSED	97	0
	TRANSMITTED TO SENATE		
2/16	FIRST READING		
2/16	REFERRED TO STATE ADMINISTRATION		
3/06	HEARING		
3/06	COMMITTEE REPORT—BILL CONCURRED		
3/08	2ND READING CONCURRED	49	0

HOUSE BILL NO. 596

INTRODUCED BY K Kuka Jacobson BBarnhart Wyatt Reap Maffit Becker Hampton Thomas Cobb Brute Mercer Brown Lewis Whalen Gervais Lutt Dolezal Bird Cohen Harper Driscoll Hanson Kadas Story Mc Cullock Madison Grady Bixler Cradley Squires

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING DISCRIMINATION IN PUBLIC ACCOMMODATIONS AND HOUSING ON THE BASIS OF MARITAL STATUS; AND AMENDING SECTIONS 49-2-304 AND 49-2-305, MCA."

WHEREAS, Article II, section 4, of the Montana Constitution prohibits discrimination by the state or any person, firm, corporation, or institution against any person on account of social condition; and

WHEREAS, the Legislature has previously defined social condition to include marital status; and

WHEREAS, an individual may be subjected to discrimination because of marital status in the enjoyment of public accommodations and access to housing.

THEREFORE, it is appropriate for the Legislature to prohibit such discrimination.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 49-2-304, MCA, is amended to read:

"**49-2-304. Discrimination in public accommodations.** (1) Except when the distinction is based on reasonable grounds, it is an unlawful discriminatory practice for the owner, lessee, manager, agent, or employee of a public accommodation:

(a) to refuse, withhold from, or deny to a person any of its services, goods, facilities, advantages, or privileges because of sex, marital status, race, age, physical or mental handicap, creed, religion, color, or national origin;

(b) to publish, circulate, issue, display, post, or mail a written or printed communication, notice, or advertisement which states or implies that any of the services, goods, facilities, advantages, or privileges of the public accommodation will be refused, withheld from, or denied to a person of a certain race, creed, religion, sex, marital status, age, physical or mental handicap, color, or national origin.

(2) Except when the distinction is based on reasonable grounds, it is an unlawful discriminatory practice for a licensee under Title 16, chapter 4, to exclude from its membership or from its services, goods, facilities, advantages, privileges, or accommodations any individual on the grounds of race, color, religion, creed, sex, marital status, age, physical or mental handicap, or national origin. This subsection does not apply to any lodge of a recognized national fraternal organization.

(3) Nothing in this section prohibits public

LC 1482/01

INTRODUCED BILL

HB 596

accommodations from giving or providing special benefits, incentives, discounts, or promotions for the benefit of individuals based on age."

Section 2. Section 49-2-305, MCA, is amended to read:

"49-2-305. Discrimination in housing -- exemptions. (1) Except when the distinction is based on reasonable grounds, it is an unlawful discriminatory practice for the owner, lessee, manager, or other person having the right to sell, lease, or rent a housing accommodation or improved or unimproved property:

(a) to refuse to sell, lease, or rent the housing accommodation or property to a person because of sex, marital status, race, creed, religion, color, age, familial status, physical or mental handicap, or national origin;

(b) to discriminate against a person because of sex, marital status, race, creed, religion, age, familial status, physical or mental handicap, color, or national origin in a term, condition, or privilege relating to the use, sale, lease, or rental of the housing accommodation or property;

(c) to make a written or oral inquiry or record of the sex, marital status, race, creed, religion, age, physical or mental handicap, color, or national origin of a person seeking to buy, lease, or rent the housing accommodation or property; or

(d) to refuse to negotiate for a sale or to make a

housing accommodation or property unavailable because of sex, marital status, race, creed, religion, age, familial status, physical or mental handicap, color, or national origin.

(2) A private residence designed for single-family occupancy in which sleeping space is rented to guests and in which the landlord also resides is excluded from the provisions of subsection (1).

(3) It is also an unlawful discriminatory practice to make, print, or publish or cause to be made, printed, or published any notice, statement, or advertisement that indicates any preference, limitation, or discrimination that is prohibited by subsection (1) or any intention to make or have such a preference, limitation, or discrimination.

(4) The prohibitions of this section against discrimination because of age and familial status do not extend to housing for older persons. "Housing for older persons" means housing:

(a) provided under any state or federal program specifically designed and operated to assist elderly persons;

(b) intended for, and solely occupied by, persons 62 years of age or older; or

(c) intended and operated for occupancy by at least one person 55 years of age or older per unit in accordance with

the provisions of 42 U.S.C. 3605(b)(2)(C) and (3) and 24 C.F.R. 100.304, as those sections read on October 1, 1989.

(5) The prohibitions of this section against discrimination because of age and familial status do not extend to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than two families living independently of each other, if the owner actually maintains and occupies one of the living quarters as his residence.

(6) For purposes of this section, "familial status" means having a child or children who live or will live with a person. A distinction based on familial status includes one that is based on the age of a child or children who live or will live with a person."

-End-

HEARING ON HB 596

Presentation and Opening Statement by Sponsor:

REP. MARK O'KEEFE, House District 45, Central Helena and Unionville, stated that this is an act that prohibits discrimination in public accommodations in housing on a basis of marital status. In the case of public accommodation discrimination because of marital status is and will be deemed illegal by the State of Montana.

Proponents' Testimony:

Marcia Schraeder, Montanans for Social Justice & Montana Law Income Coalition, gave her support to HB 596.

Susan Fifield, submitted written testimony. EXHIBIT 1

Kristin Page, Montana Public Interest Research Group (MPIRG), stated that they provide a service called consumer hotline, each year MPIRG receives approximately 1,000 calls on consumer issues. 90% of the issues deal with landlord/tenant disputes. They do receive calls about marital discrimination. The advice given to these people is that there is no current law prohibiting discrimination on the basis of marital status.

Chester Kinsey, Montana Senior Citizens Association, stated that many seniors have problems with landlords that want to get rid of them for one reason or another. Some are discriminated because of their marital status. This should not be allowed to continue.

Mickie King, stated that she has seen four different cases where people have been discriminated against because they were not married.

Angie Burros, stated that she has a child and is not married. She has come across numerous landlords who have asked her if she was married. This is not really the situation that needs to be looked at. My son and I need a home.

Kate Cholevia, Montana Womens Lobby, supports HB 596.

Anne MacIntyre, Administrator Human Rights Commission, submitted written testimony. EXHIBIT 2

Paul Hirk, Ovando, stated that he has witnessed discrimination in regards to marital status and landlord tenants. He submitted over 200 signatures collected by low income persons in the state regarding the issue. EXHIBIT 3

Marcia Dias, Montana Low-Income, submitted written testimony. EXHIBIT 4

Michael Colon, Vice President Student Body, Carroll College,

stated that he is representing his sister and her roommate who are single, work full-time and are full-time students. They found an apartment and were accepted. The landlord called back later after they had gone home and were told that they would not be able to rent because they were both single. The same has happened to many other Carroll students.

Helen McKnight, Montana Seniors Citizens Association, stated that she supports HB 596.

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor:

REP. O'KEEFE stated that citizens of our state have been discriminated against because of their marital status. This is a prejudice that comes out of fear of how their private property is going to be treated, and in most cases that fear is unwarranted.

EXECUTIVE ACTION ON HB 596

Motion/Vote: REP. STICKNEY MOVED HB 596 DO PASS. Motion carried 19-1 with REP. BOHARSKI voting no.

HEARING ON HB 545

Presentation and Opening Statement by Sponsor:

REP. THOMAS NELSON, House District 95, Billings, stated that this bill amends the type of medical services provided under the Montana Medicaid Program. Medicaid is primarily funded with federal monies. The percentage of federal contributions vary among the states. The Federal match is based upon a state per capita income, because the average income of Montana citizens is low, the federal government pays approximately 72% of the costs of the Medicaid program in Montana. Federal law requires that certain medical services such as physician and hospital care be provided. Other services such as drug and dental care may be provided but are not mandated by federal law, thus are termed optional services. Federal law also requires that the state Medicaid program meet the Medicare premiums for certain persons referred to as qualified disabled working individuals. This bill also requires two services which were passed through the 1989 Legislature. These two services are Hospice Care and Presumptive Eligibility for Pregnant Women were to sunset on June 30, 1991. This bill will continue its services without a sunset date.

Proponents' Testimony:

Russ Cater, Director, Department of Social Rehabilitative Services, submitted written testimony. EXHIBIT 5

Jeanie Greene

HOUSE STANDING COMMITTEE REPORT

February 16, 1991

Mr. Speaker: We, the committee on Human Services and Aging report that House Bill 596 (first reading copy -- white) do pass.

Signed: _____

Angela Russell, Chairman

EXHIBIT 1
DATE 2-15-91
HB 596

Good Afternoon Ms. Chairwoman and Committee Members:

My name is Sue Fifield and I'm the single mother of five children with four of them still at home. I'm sorry that I cannot be there today in person to speak with you on this urgent issue of discrimination in housing on marital status.

I can speak to this both personally and as an advocate of single parents who have told me of their experiences in trying to obtain housing.

I personally experienced discrimination In October 1990 when I relocated to Missoula for my current job. As a single mother trying to obtain housing I called several ads which were rented almost as soon as the newspaper came out. As some of you may know the housing market in Missoula is extremely tight and I needed to move within 10 days. Finally after calling and calling I found a house which was large enough to accomodate my family. After looking at the house, I decided that I would like to rent it. I called the landlord back and he proceeded to ask me some questions such as how many children I had?, was I married?, and did I work?

He then asked for references. I gave him two and asked how many he wanted. He said as many as possible. I gave him five. He told me to call him back later that day, after he checked my references. When I called him back he stated that he had talked to my landlord and my references were excellent. However, he said he had someone else interested, and maybe I might want to keep looking. I was desperate because I needed to move right away for my job. I told him I would send him a check and did so. When I met him to sign the rental agreement, he told me that there was stuff that had to be stored there that belonged to the previous owner and if that was a problem, maybe I would want to look elsewhere. Finally, he told me that they were nervous renting to me because I was a single mom.

My past landlord told me that when he had called her for a reference he did not seem very anxious to rent to me. She stated that I was her best tenant and she would really miss me. She also had not put the house up for sale, as long as I wanted to live there, because I was such a good tenant. She did put the house up for sale when I moved out. The last thing she said was that she too had been a little nervous when she rented to me because I was a single mother, however she had been a single mother herself and remembered the difficulties of renting a place. She never regretted renting to me and really was glad she did.

2-15-91
no 596

This is just the most recent experience I have had with landlords not wanting to rent because I am a single mother. It is extremely hard being a single mom in the first place and trying to work to support your children without the barrier of trying to find adequate housing and being denied or discriminated against. It was not my intention to be a single parent as you will probably find with most single parents. I am a good tenant and try to treat places that I rent as if they were my own. I cannot describe to you the frustration or humiliation of being denied a place to live.

As a single parent, denial of a place to live with your children is not an uncommon occurrence. The real victims of this discrimination are the children who are being denied rights that are afforded to two parent families. These children are not only having to face the stima of having only one parent but are also being denied decent places to live. Many single parent households presently live in sub-standard housing because that is the only place they could obtain.

Please think of the children of single parent homes as you consider this bill and vote in favor of this much needed law.

Thank you for your time and the opportunity to enter this testimony.

Susan Fifield

Susan K. Fifield
2/15/91

EXHIBIT 2
DATE 2-15-91
HB 596

Testimony of Anne L. MacIntyre
Administrator, Human Rights Commission
In support of House Bill 596
House Committee on Human Services and Aging
February 15, 1991

The Human Rights Commission supports House Bill 596. The bill proposes to amend the Human Rights Act, which is administered by the Commission. At the present time, the Act prohibits discrimination on the basis of marital status in the areas of employment, financing and credit transactions, education, government services, and insurance and retirement plans. Housing and public accommodations are the only areas within the Commission's jurisdiction for which discrimination based on marital status is not covered. The Human Rights Act was enacted 1974 and I am not sure why marital status discrimination was omitted in these areas. The Commission believes that this amendment to the act would achieve consistency and would be a desirable change.

The Commission has received inquiries from single parents who were denied housing when the landlord would have been willing to rent to two-parent families with children. Thus, I am certain that the problem the proponents of this bill are trying to address is a real problem.

Finally, I know that the laws of at least five other states prohibit discrimination in housing on the basis of marital status. The states I know of are Alaska, Minnesota, California, Illinois, and New York.

Thank you for your consideration and I recommend HB596 do pass.

Exhibit 3 contains 10 pages of signatures supporting HB 596. The originals are stored at the Montana Historical Society, 225 North Roberts, Helena, MT 59601. (Phone 406-444-4775)

MONTANA LOW-INCOME COALITION

P.O. BOX 1029
HELENA, MONTANA 59624
(406) 449-8801
(406) 443-0012

COMMUNITY UNION
113 HAMILTON
BUTTE 59701 • 782-0670

CONCERNED CITIZENS
COALITION
825 THIRD AVENUE SOUTH
GREAT FALLS 59402 • 727-9136

MONTANA ALLIANCE FOR
PROGRESSIVE POLICY
324 FULLER
HELENA 59601 • 443-7283

EMPLOYEES ASSOCIATION
801 N. MAIN
HELENA 59601 • 442-9830

MONTANA
SENIOR CITIZENS ASSOCIATION
BOX 423
HELENA 59624 • 443-5341

MONTANANS
FOR SOCIAL JUSTICE
436 NORTH JACKSON
HELENA 59601 • 449-3140 • 227-8694

EXHIBIT 4
DATE 2-15-91
HB 596

MADAME CHAIR, MEMBERS OF THE COMMITTEE

I am Marcia Dias with the Montana Low Income Coalition

Housing discrimination is an issue for low-income people, because housing availability is a problem for low-income people. Over the past decade the number of low rent housing units has decreased, while the number of low-income persons has increased.

This pattern along with a substantial increase in single-parent families and then combined with housing discrimination against single persons..... creates a terrible housing dilemma for many low income people

Approximately 70% of all renters are single, and a sizable portion are low income

For some... buying a home is difficult if not impossible.
Personally I was denied a residential loan 4 years ago in Helena, although I was qualified with good credit, because the lending institution claimed they could not consider child support as effective income for an FHA loan....another example of one of the many housing dilemmas facing single parents.... who have become the nation's "new poor".

Single persons are a diverse and varied group, we could be your daughters or sisters..... some of us are mothers, widowed grandmothers. We sustain ourselves on one income and often struggle to support dependents as well. We ask that in the rental market we be regarded as individuals, based upon our own merit, references, and past histories.....Not by what category we fall into.....be it male/female, young/old, single/married. In keeping with the request ... to be judged as individuals, regardless of marital status I ask for your vote for HB 596. Thank you.

EXHIBIT 4
DATE 2-15-91
HB 596

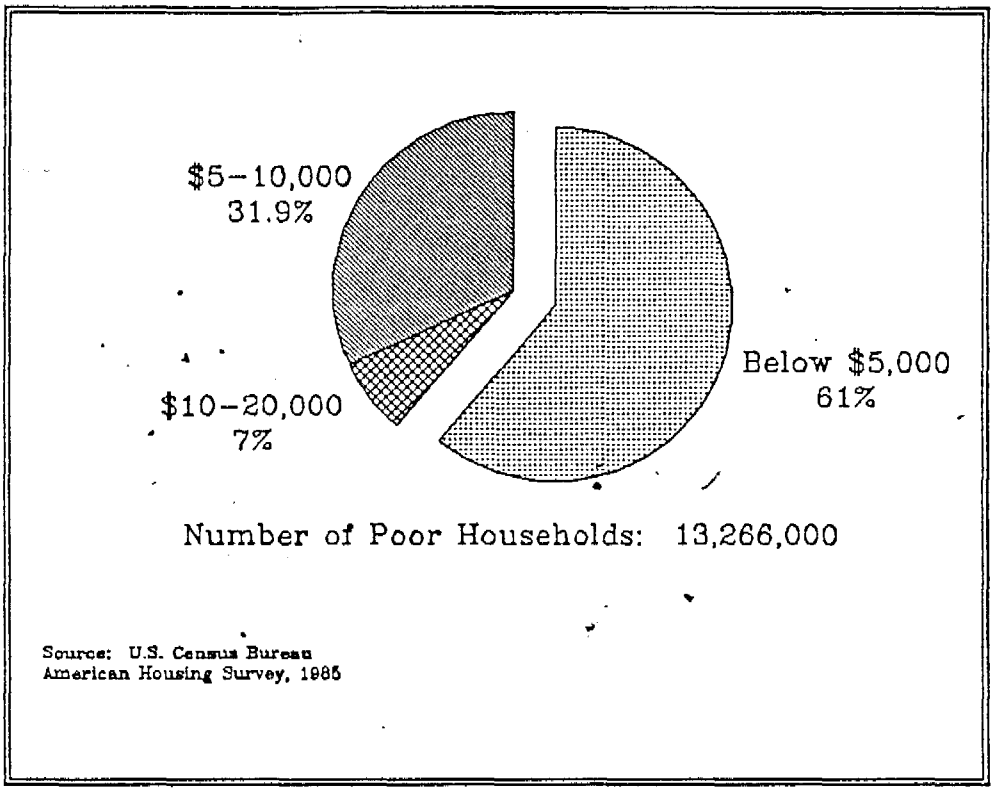

Figure 8
Income of Poor Households, 1985

Poor Renters and Homeowners

The characteristics of poor renters and poor homeowners differed from each other in a number of ways. Poor homeowner households were more likely to be headed by an elderly person, to have no children, and to be married. Poor renter households were more likely to be younger, to have children, and to be headed by a single woman.

The typical head of a poor homeowner household was 62 years of age. By contrast, the typical head of a poor renter household was aged 38.

Two-fifths of all poor homeowner households were headed by an elderly person, while just one-third had children. By contrast, only about one-fifth of poor renter households were headed by an elderly person. More than half of all poor renter households had children.

Poor homeowner and renter households also differed in their proportions of married-couple and female-headed families. Of the poor homeowner households that contained two or more people, 73 percent were comprised of married-couple families

or male-headed families. Female-headed families were a small minority among this group. By contrast, among poor renter households of two or more people, a majority were female-headed families. (See Figure 9.)

EXHIBIT 4
DATE 2-15-91
HB 596

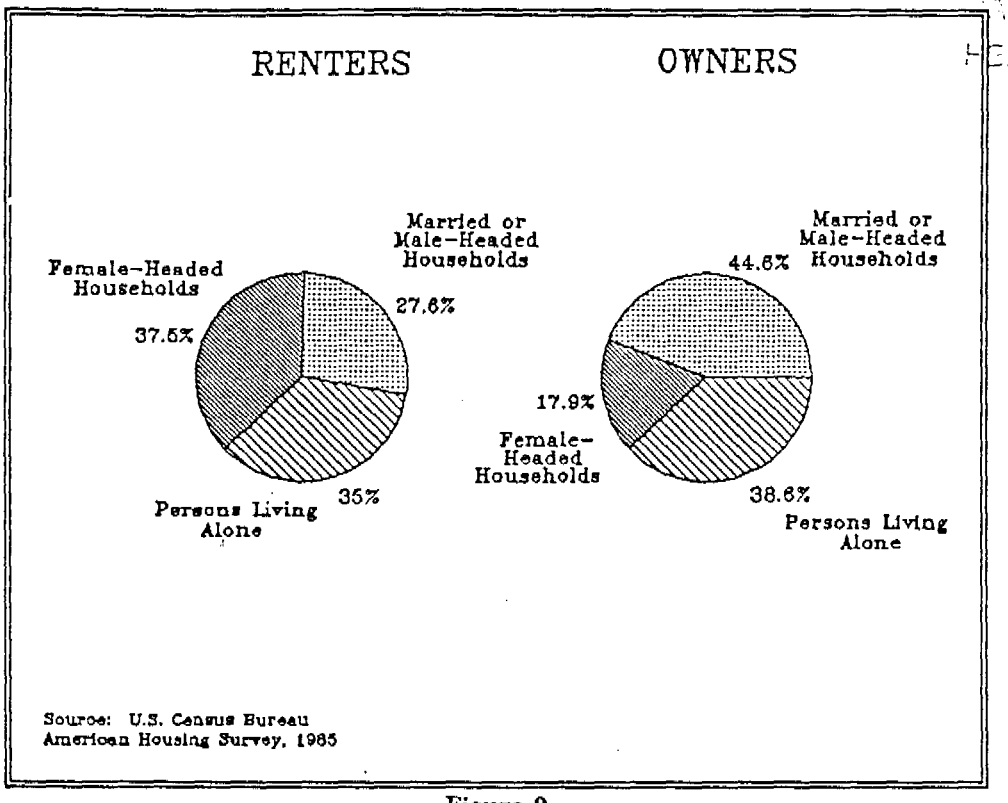

Figure 9
Composition of Poor Households
1985

Among both poor homeowner and poor renter households, a large majority of the single-person households consisted of women living alone.

Racial Composition of Poor Households

Of the 13.3 million poor households in 1985, some 8.1 million -- or 61 percent -- were white. Whites constituted 74 percent of poor homeowner households and 53 percent of poor renter households.

Yet while whites comprised a majority of poor households, blacks and Hispanics accounted for a highly disproportionate share of these households.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Human Services & Aging COMMITTEE BILL NO. HB 596

DATE 2-15-91 SPONSOR(S) Rep. Mark O'Keefe

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Marcia Schrader Helena	Montanans for Social Justice + Montana Low Income Coalition	✓	
Anne MacIntyre	Human Rights Commission	✓	
Marcia Dias	MNEC	✓	
Kristin Page	Mont PIRG	✓	
HARLEY WARNER	MONT ASSN. OF CHURCHES	✓	
Kate Cholewa	MT Womens Lobby	X	
Clyde Dailey	Mt Senior Citizens Assn		
Gary Foster	Indian Community	✓	
Alvina Hanson	Indian Community	✓	
JUDITH CARLSON	MSCA	✓	
Mike O'Sullivan	Carroll College	✓	
Chuck Kuney	MSCA	✓	
Paul Campeau	MHLC + Self	✓	
Helen McKnight	MSCA	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

JOHN ORTWEIN MT CATHOLIC CONF ✓

they must provide written notice within at least three days of detention, and a hearing must be held within five days. Senator Towe advised the Committee that detainees have the right to refuse all but lifesaving medication up to 24 hours before a hearing. He asked if this would cause a problem. Representative Stickney replied current law is not changed for three days' detention, but the sheriffs don't feel they are well-trained to do this.

Senator Towe asked if the drafters explored any other medical doctor or mental health professional doing this. Representative Stickney replied they didn't, and that this would not be an option in smaller communities.

Senator Halligan stated he has done these things for five years, and is surprised by the interpretation of the Glasgow area judge. He stated that, in Missoula County, law enforcement officers go out to read procedural and Miranda rights, and get the detainees in front of a judge within three days, who reads them their procedural rights. Representative Stickney replied that this sounds logical, and that she would appreciate having the language written into the bill. She commented that, in Great Falls, patients are handed a card with these rights on it.

Senator Svrcek asked Representative Stickney if she had any problem with making the bill gender-neutral. Representative Stickney replied she didn't.

Closing by Sponsor:

Representative Stickney made no closing comments.

HEARING ON HOUSE BILL 596

Presentation and Opening Statement by Sponsor:

Representative Mark O'Keefe, District 45, said the bill deals with constitutional rights of Montana citizens, by including marital status as an item under which discrimination may be found in housing and/or accommodations. He explained that the Legislature, in 1989, did not include this language and it is still a problem. Representative O'Keefe explained that the bill says that since marital status is defined in Montana as a social condition, it fits into the law where it is placed.

Proponents' Testimony:

Kristin Page, MontPIRG, said she represents a student-based group which also provides a consumer complaint hot-line. She said MontPIRG received more than 1,000 calls last year, 80 percent of which dealt with housing. She said the majority of those were single mothers, and that she believes a rental agreement is a business contract.

Ronnie Hanson, read a statement from Sue Fifield, a single mother of five, who experienced housing discrimination in 1990 when she relocated to Missoula to work (Exhibit #1).

John Ortwein, Montana Catholic Conference, read from a prepared statement in support of HB 596 (Exhibit #2).

Connie Zapata, Montana Low Income Coalition, said she was always the same person, but was denied housing when she was single and living in Missoula.

Chester Kinsey, Montana Senior Citizens, stated his support of the bill.

Kate Cholewa, Montana Womens Lobby, stated her support of the bill.

Anne MacIntyre, Administrator, Human Rights Commission, said the bill would amend the Human Rights Act by adding housing and accommodations to the existing list of education, jobs, etc. She said she believes the bill would promote consistency, and that it is a desired change. Ms. MacIntyre stated it is not clear whether people are being discriminated against because of their children or because of their marital status. She said she is aware of five states (AK, MN, CA, IL, and NY) that have prohibited housing discrimination based on marital status (Exhibit #3).

Harley Warner, Montana Association of Churches, stated his support of HB 596.

Toni Austad, Concerned Citizens Coalition, advised the Committee she is the Project Director for Fair Housing in Great Falls. She stated the Coalition has been active since 1982, and was the first organization in the U.S. to monitor discrimination against Indians in housing (1986). Ms. Austad reported that the Coalition is the only fair housing coalition in a five-state group outside of Denver. She said discrimination against Indians is greater than 50 percent, and that HUD found (in 1980) that 25 percent of landlords refused to rent to families with children.

Ms. Austad advised the Committee that women comprise 42 percent of the Montana workforce, but 80 percent of them have low income jobs. She said homelessness occurs when people experience housing discrimination, and that these people often stay with relatives, creating overcrowded accommodations. Ms. Austad stated that abused women return to battered homes for economic security, and asked the Committee to support HB 596.

Scott Chrichton, Director, ACLU, stated his support of the bill.

Marcia Dias, Montanan Low Income Coalition, read from a prepared statement (Exhibit #4). She said the number of low income people is increasing, and that two-thirds of renters are single.

She stated she was turned down for a housing loan in Helena, even though she has good credit, because part of her income came from child support. Ms. Dias asked that people be judged as individuals, based upon their own merits, and not be categorized.

Opponents' Testimony:

There were no opponents of the bill.

Questions From Committee Members:

Chairman Pinsoneault asked what reasonable grounds are. He asked if he would be in violation if three college students wanted to rent an apartment from him, and he said no because he usually rented to elderly persons. Anne MacIntyre replied the provisions discussed today would not apply. She said provisions in federal law allow maintaining units for older persons.

Chairman Pinsoneault asked if it is unreasonable for a landlord to ask a couple for their marriage license. Anne MacIntyre replied that she believes it would be.

Senator Towe commented that if it is not proper to ask for a marriage license, if it would be proper to ask a couple if they are married. Anne MacIntyre replied it is, if the implication is that you would not rent to them. She said 49-2-101, MCA, provides a specific list with regard to public accommodation law.

Senator Towe asked if motels could then no longer ask if a man and a woman are married. Anne MacIntyre replied that would be correct.

Senator Towe commented that housing can't be denied to people just because they have children, and asked what the difference is between that and martial status. Anne MacIntyre replied that marital status means married, divorced, or single, but does not address children.

Senator Crippen asked what reasonable grounds is for students who are not married. Anne MacIntyre replied that married student housing units at a university would be an example of reasonable grounds, for refusing to rent to non-married students.

Senator Rye asked if "live-ins" were considered to be as valid as marriage according to church law. John Ortwein read from a statement that all people have the right to appropriate housing. He said live-ins would not be the preference of the Catholic Conference. Harley Warner replied that the Board of Directors have found this to be controversial, and does not have a position on sexual preference.

Senator Rye said he wanted to follow up on Senator Pinsoneault's question. Marcia Dias replied that she thinks of morality in much broader terms than just sex.

Senator Grosfield asked how many states have anti-discrimination statutes. Anne MacIntyre replied that the majority do.

Senator Grosfield asked why only five states have marital status in their housing discrimination law, and said he believes familial status speaks to single parents. Anne MacIntyre replied that she believes the law is not clear in this area. She said housing has been denied to those who are not two-parent families, and that in some situations this appears to be for reasons other than children.

Senator Crippen asked if he would be in violation for not renting to two people who told him they were homosexual. Anne MacIntyre replied he would not be, as sexual orientation is not a marital status distinction.

Senator Crippen asked if he would be in violation if he said no to renting to a heterosexual couple. Anne MacIntyre replied he would be.

Closing by Sponsor:

Representative O'Keefe stated HB 596 is not a sexual preference bill, and said it only addresses marital status. He said this bill is important to senior citizens, to minorities, and to low income people. Representative O'Keefe said Senator Jacobson would carry the bill.

HEARING ON HOUSE BILL 604

Presentation and Opening Statement by Sponsor:

Representative Jan Brown, District 46, said HB 604 was requested by the Department of Health and Environmental Services, to define conditions whereby disclosure of out-of-wedlock birth is permitted.

Proponents' Testimony:

Sam Sperry, Chief, Vital Records and Statistics Bureau, said the bill addresses 50-15-206, MCA, and that a short form birth certificate would eliminate names of both parents. He explained that a full birth certificate copy would be illegal, and that court orders are the only alternative to obtaining access to records, but are expensive to obtain (Exhibit #5).

Opponents' Testimony:

Exhibit #1
SB 596
26 Mar 91

Good Afternoon Ms. Chairwoman and Committee Members:

My name is Sue Fifield and I'm the single mother of five children with four of them still at home. I'm sorry that I cannot be there today in person to speak with you on this urgent issue of discrimination in housing on marital status.

I can speak to this both personally and as an advocate of single parents who have told me of their experiences in trying to obtain housing.

I personally experienced discrimination In October 1990 when I relocated to Missoula for my current job. As a single mother trying to obtain housing, I called several ads which were rented almost as soon as the newspaper came out. As some of you may know the housing market in Missoula is extremely tight and I needed to move within 10 days. Finally after calling and calling I found a house which was large enough to accomodate my family. After looking at the house, I decided that I would like to rent it. I called the landlord back and he proceeded to ask me some questions such as how many children I had?, was I married?, and did I work?

He then asked for references. I gave him two and asked how many he wanted. He said as many as possible. I gave him five. He told me to call him back later that day, after he checked my references. When I called him back he stated that he had talked to my landlord and my references were excellent. However, he said he had someone else interested, and maybe I might want to keep looking. I was desperate because I needed to move right away for my job. I told him I would send him a check and did so. When I met him to sign the rental agreement, he told me that there was stuff that had to be stored there that belonged to the previous owner and if that was a problem, maybe I would want to look elsewhere. Finally, he told me that they were nervous renting to me because I was a single mom.

My past landlord told me that when he had called her for a reference he did not seem very anxious to rent to me. She stated that I was her best tenant and she would really miss me. She also had not put the house up for sale, as long as I wanted to live there, because I was such a good tenant. She did put the house up for sale when I moved out. The last thing she said was that she too had been a little nervous when she rented to me because I was a single mother, however she had been a single mother herself and remembered the difficulties of renting a place. She never regretted renting to me and really was glad she did.

SB596
3-26-91

This is just the most recent experience I have had with landlords not wanting to rent because I am a single mother. It is extremely hard being a single mom in the first place and trying to work to support your children without the barrier of trying to find adequate housing and being denied or discriminated against. It was not my intention to be a single parent as you will probably find with most single parents. I am a good tenant and try to treat places that I rent as if they were my own. I cannot describe to you the frustration or humiliation of being denied a place to live.

As a single parent, denial of a place to live with your children is not an uncommon occurrence. The real victims of this discrimination are the children who are being denied rights that are afforded to two parent families. These children are not only having to face the stigma of having only one parent but are also being denied decent places to live. Many single parent households presently live in sub-standard housing because that is the only place they could obtain.

Please think of the children of single parent homes as you consider this bill and vote in favor of this much needed law.

Thank you for your time and the opportunity to enter this testimony.

Susan Fifield

Susan K. Fifield
2/15/91

EXH 2
HB 596
2/6 Mar 91

Montana Catholic Conference

HB 596

CHAIRMAN PINSONEAULT AND MEMBERS OF THE SENATE JUDICIARY COMMITTEE

I am John Ortwein representing the Montana Catholic Conference.

In 1988 the United States Catholic Conference presented testimony before both the Republican and Democratic Platform Committees.

In their statement on the issue of housing the following testimony was presented. "Housing is not just a commodity. Decent housing is a basic human right. This nation has all but abandoned its responsibility to ensure every citizen an adequate place to stay. We must recognize the terrible injustice people suffer as a result of this housing crisis. Public policy must give direction and set basic criteria that will establish a commitment to decent housing. This policy should combat discrimination in housing based on race, ethnicity, sex, disability, marital status, or families with children."

The Montana Catholic Conference supports HB 596.

Tel. (406) 442-5761 P.O. BOX 1708 530 N. EWING HELENA, MONTANA 59624

HB 596
26 Mar 91

Testimony of Anne L. MacIntyre
Administrator, Human Rights Commission
In support of House Bill 596
Senate Judiciary Committee
March 26, 1991

The Human Rights Commission supports House Bill 596. The bill proposes to amend the Human Rights Act, which is administered by the Commission. At the present time, the Act prohibits discrimination on the basis of marital status in the areas of employment, financing and credit transactions, education, government services, and insurance and retirement plans. Housing and public accommodations are the only areas within the Commission's jurisdiction for which discrimination based on marital status is not covered. The Human Rights Act was enacted 1974 and I am not sure why marital status discrimination was omitted in these areas. The Commission believes that this amendment to the act would achieve consistency and would be a desirable change.

The Commission has received inquiries from single parents who were denied housing when the landlord would have been willing to rent to two-parent families with children. And while the Human Rights Act prohibits discrimination in housing against families because they have children, it is not clear that these single parents are being discriminated against because they have children. Rather, it seems that the reason they are denied housing is because of their marital status.

Finally, I know that the laws of at least five other states prohibit discrimination in housing on the basis of marital status. The states I know of are Alaska, Minnesota, California, Illinois, and New York.

Thank you for your consideration and I recommend HB596 do pass.

HB596

HOUSING DISCRIMINATION--MARITAL STATUS - HB 596

FACT SHEET--MONTANA LOW INCOME COALITION

Currently housing can be denied on the basis of marital status--although it cannot be denied due to age, sex, race, or family status. Marital status needs to be added as a condition which cannot be discriminated against.

WHY IS THIS AN ISSUE?

There is a shortage of affordable housing for low income people. Many low income people are single, and singles are the poorest. Many poor women with children are being denied housing.

ISN'T THAT COVERED IN THE LAW BY FAMILY STATUS?

That was intended last session by adding family status; unfortunately, single-parent families are now being turned away--due to marital status. Of all families with children, those headed by only one parent are the poorest, and this has became a significant low income problem.

WON'T LANDLORDS HAVE TO TOLERATE IMMORAL LIVING ARRANGEMENTS?

It is prejudicial to assume immorality because a person is single. Previous references are a better indicator of behavior than a categorical assumption, such as: marital status, age, race.

Situations, in which another person moves in can be remedied by specifying occupants on the rental agreement. Violation is 'just cause' for eviction, and further substantiated by pending landlord-tenant legislation. 'Living togethers' can pass as married, while true 'singles' may be rejected.

The inability of many single parents to find housing is a tremendous problem. When low-income single parents are not able to compete fairly for available, affordable housing--they either become displaced or accept units they cannot afford. Subsequently, those with incomes below $5000 are spending 70% or more of their income for rent. When family resources become completely depleted they may turn to welfare.

Large portions of the elderly are also single, as are most college students. There are many large and diverse segments of society which are single. Housing should be granted on the basis of individual merit and past history, not a categorical assumption such as marital status.

Senator Mazurek said he believes a committee letter would have more weight than a resolution.

Senator Svrcek made a motion that HB 887 BE TABLED. The motion carried with all members voting aye except Senators Towe and Harp.

Senator Mazurek made a motion to draft a letter to the Montana Supreme Court, the Montana Trial Lawyers, and the Montana Defense Trial Lawyers, urging that they direct a study on discovery and abuse thereof, via HB 887: The motion carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 596

Motion:

Discussion:

Senator Crippen stated his concern with how marital status is defined, and as brought up by Senator Rye. He said he does not believe single parents should be discriminated against, and asked what happens if a man and woman are not married and want to room together. He asked if sexual preference is knocked out the window.

Valencia Lane replied that the bill needs further clarification, but if the Committee wants to prohibit discrimination against single parents and allow discrimination against cohabitors, it could include single parenthood in familial status.

Senator Svrcek commented that many senior citizens live together and are not married because they will lose their social security.

Senator Towe said he believes the bill should pass as it is.

Amendments, Discussion, and Votes:

There were no amendments.

Recommendation and Vote:

Senator Towe made a motion that HB 596 BE CONCURRED IN. The motion carried with all Senators voting aye except Senators Crippen, Grosfield, and Pinsoneault who voted no. Senator Jacobson or Senator Yellowtail will carry HB 596.

SENATE STANDING COMMITTEE REPORT

April 1, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 596 (third reading copy -- blue), respectfully report that House Bill No. 596 be concurred in.

Signed: _____
Richard Pinsoneault, Chairman

4/1 4-1-91
Amd. Coord.

SB 4-1 8:00
Sec. of Senate